

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERYL RIDDLE,

Plaintiff,

v.

Case Number 09-11182
Honorable David M. Lawson
Magistrate Judge Donald A. Scheer

CHASE HOME FINANCE,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING THE PLAINTIFF'S MOTION TO DISMISS**

Presently before the Court is the report issued on September 17, 2009 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the plaintiff's motion to dismiss and give the plaintiff an opportunity to file an amended complaint, if she so desires. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 21] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion to dismiss [dkt # 17] is **DENIED**.

It is further **ORDERED** that the plaintiff may file an amended complaint without leave of the Court **on or before October 27, 2009**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 7, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 7, 2009.

s/Lisa M. Ware
Lisa M. Ware